WP(C) 1709/2007

BEFORE

HON'BLE JUSTICE RANJAN GOGOI

Heard Mrs. M. Hazarika, learned counsel for the petitioner and Mr. G. N. Sahewal la, learned counsel appearing for the Guwahati Municipal Corporation.

The petitioner is aggrieved by an order dated 2.4.2007 by which the contract of collection of loading and unloading fee at H.B.Road for the financial year 2007-2008 awarded in favour of the petitioner by the Guwahati Municipal Corporation h as been kept under suspension. The reason for the aforesaid suspension of the co ntract granted to the petitioner has been stated to be the interim order of this Court dated 6.3.2007 passed in W.P.(C) No.1053 of 2007.

Though it has been contended to the contrary by Mrs. Hazarika, a reading of the averments made in the writ petition registered and numbered as W.P.(C) No.1053/2 007 makes it abundantly clear that the subject matter in the said writ petition is the propose grant of contract for realization of fine from the unauthorized v endors in Machkhowa Vegetable Market operating on the land of Handloom and Texti le Department as well as the proposed contract for collection of loading and unl oading fee at H.B.Road. This Court by the interim order dated 6.3.2007 had direc ted that until further orders the respondents in the writ petition shall not fin alise the tender process and award the contract in respect of the subject matter of the writ petition without leave of the Court. As the subject matter of the w rit petition i.e. W.P.(C) No.1053/2007 cover the contract for collection of load ing and unloading fee at H.B.Road market, there was a legal bar to the grant of contract in favour of the petitioner or for that matter in favour of any person. Consequently, if on realizing the said fact, the Corporation had subsequently s uspended the contract by its order dated 2.4.2007, such action can hardly be fau lted with.

For the aforesaid reasons I am of the view that this writ petition ought not to be entertained any further. It is accordingly dismissed, however, without any co st. It is made clear that notwithstanding the dismissal of the writ petition the petitioner will be at liberty to implead himself as a party respondent in the p roceedings registered and numbered as W.P.(C) No.1053/2007 and to contest the ma tter in the said writ proceeding.